

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

MICHAEL PAUL MATULICH,

Defendant(s).

Case No. 2:11-CR-327 JCM (CWH)

ORDER

Presently before the court is the parties' stipulation to stay proceedings regarding defendant's motion for a sentence reduction.¹ (Doc. # 161). The parties ask the court to defer its decision on a sentence reduction for this defendant for two years, until May 2017, to allow the defendant an opportunity to improve his custody record.

On November 26, 2014, the defendant filed a *pro se* motion to appoint counsel to assist him in filing a motion for a sentence reduction pursuant to Amendment 782 of 18 U.S.C. § 3582(c)(2). (Doc. # 155). On December 5, 2014, pursuant to the District of Nevada's protocol for discretionary sentence reductions, the court entered an order appointing the federal public defender as counsel to represent the defendant. (Doc. # 158).

In accordance with the protocol, the court's order appointing counsel provided 120 days for the federal public defender to file any appropriate motion or stipulation. (Doc. # 158). The parties now seek to delay the deadlines imposed in the court's order. (Doc. # 161).

¹ While the parties' stipulation references defendant's motion for a sentence reduction, defendant has not yet filed a motion for a sentence reduction. The parties are actually stipulating to an extension of the deadlines set forth in the court's order appointing counsel, which provided that the federal public defender must file a motion or stipulation for a sentence reduction within 120 days of the court's order. (Doc. # 158).

1 The parties represent that defendant has been involved in disciplinary incidents and has
2 incurred sanctions while in custody. Therefore, probation and the government are not prepared to
3 recommend that defendant receive a sentence reduction at this time. However, the government
4 states that it may be willing to recommend a sentence reduction in the future, if the defendant
5 avoids committing any violations for the next two years. (Doc. # 161).

6 The parties note that deferring any decision on a sentence reduction for this defendant will
7 not prejudice the defendant. According to the parties, even if defendant is granted a sentence
8 reduction, his estimated release date will be in January 2024. (Doc. # 161).

9 Having considered the foregoing, the court will grant the parties' stipulation and defer
10 consideration of a sentence reduction for this defendant until May 2017. If appropriate,
11 defendant's counsel shall file a motion for a sentence reduction on defendant's behalf in advance
12 of that date.

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the parties' stipulation
15 to stay proceedings regarding defendant's motion for a sentence reduction, (doc. # 161), be, and
16 the same hereby is, GRANTED.

17 IT IS FURTHER ORDERED that all proceedings and deadlines for filing a motion for a
18 sentence reduction as to this defendant, be, and the same hereby are, STAYED until May 2017.

19 DATED June 4, 2015.

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21 UNITED STATES DISTRICT JUDGE
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